

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BROADCAST MUSIC, INC.; INTERIOR
MUSIC CORP.; MJ PUBLISHING TRUST
d/b/a MIJAC MUSIC; SONY/ATV SONGS
LLC.; and CINDERFUL MUSIC,

Plaintiffs,

v.

GT LEESBURG 2014, LLC d/b/a THE
GREENE TURTLE, AND BRENT BYER,
DARLENE BYER, AND DAVID BYER,
each individually,

Defendants.

CIVIL ACTION NO.: 1:19-cv-00038

**RESPONSE TO ORDER TO SHOW
CAUSE**

DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE (Dkt No. 13)

Plaintiffs Broadcast Music, Inc., Interior Music Corp., MJ Publishing Trust d/b/a Mijac Music, SONY/ATV Songs, LLC, and Cinderful Music (collectively hereafter, "Plaintiffs"), by their attorneys, submit this response to the Court's Show Cause Order (Dkt No. 13) regarding service of the Complaint.

Defendant GT Leesburg 2014, LLC d/b/a The Green Turtle (the "Establishment") was served with the Summons and Complaint, courtesy of its registered agent David Brent Byer¹ ("Brent Byer"), on January 16, 2019, well within ninety (90) days of filing the Complaint. **Docket No 16.**

¹ Plaintiffs named Defendants as "Brent Byer" and "David Byer." Upon service of the Complaint, Defendant alleged that his name is "David Brent Byer" and stated that he goes by the name, "Brent Byer." Upon information and belief, references to "David Byer" and "Brent Byer" refer to the same natural person. *See* Docket No. 14-15.

Defendant Brent Byer was served with the Summons and Complaint on January 16, 2019, well within ninety (90) days of filing the Complaint. **Docket No. 14-15.**

Defendant Darlene Byer was not served. When attempting to serve Darlene Byer, Defendant Brent Byer claimed that she had moved and was no longer a resident of the state of Virginia. To date, Plaintiffs are unable to locate her.

The served Defendants have failed to file a responsive pleading. Accordingly, Plaintiffs intend to move for entry of default against the Establishment and Brent Byer².

Dated: May 3, 2019

**BROADCAST MUSIC, INC.; INTERIOR
MUSIC CORP.; MJ PUBLISHING TRUST
d/b/a MIJAC MUSIC; SONY/ATV SONGS
LLC.; and CINDERFUL MUSIC,**

By: /s/ David M. Asbury
Of Counsel

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² Plaintiffs were unable to serve Defendant Darlene Byer. Accordingly, she is not included in the request for Entry of Default.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2019, a true and correct copy of the foregoing was filed through the CM/ECF system. I further certify that a copy of the foregoing was sent via Federal Express and U.S. Mail to:

GT Leesburg 2014, LLC d/b/a The Green Turtle
c/o Brent Byer as Registered Agent
18969 Peale Lane
Leesburg, VA 2017

David Brent Byer
David Byer
603 Potomac Station Drive
Leesburg, VA 20176

Darlene Byer
David Byer
603 Potomac Station Drive
Leesburg, VA 20176

By: /s/ David M. Asbury
Of Counsel

David M. Asbury (VSB No. 88977)